



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

January 2, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

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MOTION BY SUPERVISOR MOLINA TO SUPPORT THE SOUTHERN CALIFORNIA AIR QUALITY MANAGEMENT DISTRICT'S PROPOSED REGULATION AMENDMENT TO EMISSIONS STANDARDS FOR LARGE LEAD-ACID BATTERY RECYCLING FACILITIES (ITEM NO. 7, AGENDA OF JANUARY 7, 2014)

Item No. 7 on the January 7, 2014 Agenda is a motion by Supervisor Molina recommending that the Board: 1) support the Proposed Amended Rule (PAR) 1420.1: "Emissions standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities;" and 2) send a five-signature letter to the Southern California Air Quality Management District (SCAQMD) Board in support of this Amended Rule prior to their January 10, 2014 hearing on this new regulation.

Existing Law

The SCAQMD adopted Rule 1420.1 on November 5, 2010. This rule applies to large lead-acid battery recycling facilities that have processed more than 50,000 tons of lead a year. According to the SCAQMD, the purpose of Rule 1420.1 is to protect public health by reducing exposure to emissions of lead from these facilities and to help to ensure attainment of the National Ambient Air Quality Standard for lead.

Proposed Rule Amendment

The SCAQMD staff is proposing amendments to Rule 1420.1 to address other toxic air contaminant emissions at large lead acid battery recycling facilities. In addition to lead, large lead-acid battery recycling facilities generate other toxic air contaminants such as

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arsenic, benzene, 1,3-butadiene, and other toxic metals and organic emissions. The purpose of the proposed rule amendment is to further protect public health by addressing arsenic, benzene, and 1,3-butadiene emissions which are the primary contributors to the elevated health risks at large lead-acid battery recycling facilities. PAR 1420.1 maintains existing lead requirements to ensure National Ambient Air Quality Standards (NAAQS) for lead can be achieved while including additional requirements for these other key air toxics to ensure emissions from large lead-acid battery recycling facilities are appropriately controlled.

A public hearing regarding SCAQMD's proposed rule amendment is scheduled for January 10, 2014.

Potential County Impact

A health risk assessment conducted earlier this year, pursuant to State law, found that the Exide Technologies plant in the City of Vernon was posing an elevated cancer risk to people living in several surrounding communities, including Boyle Heights and Huntington Park, due to lead and arsenic emissions. Exposure to lead and arsenic emissions are known to increase the risk of kidney, skin, lung, liver and other cancers.

The California Department of Toxic Substances Control issued an order in April 2013 for the Exide plant to suspend its operations; however, that order was rescinded in October 2013 when State regulators and Exide reached an agreement to have the company address two central concerns identified in the health risk assessment: 1) the risks to health posed by the facilities arsenic emissions to air; and 2) the use of deteriorated pipes that leaked water potentially contaminated with hazardous wastes into soil below the facility. The agreement also required blood lead testing for nearby residents to be conducted by the Los Angeles County Department of Public Health to help determine whether lead emitted from Exide's operations has impacted the community.

The proposed SCAQMD rule amendment will assist in the monitoring, enforcement and regulation of large-battery recycling facilities throughout the region and will provide the SCAQMD with additional authority to enforce toxic air emission regulations against businesses that refuse to make improvements to their operations in order to comply with air quality emissions standards and ensure that health risk associated with emissions of toxic air contaminants are reduced by limiting these emissions.

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Conclusion

Support of this motion is consistent with existing Board-approved policy to support legislation that seeks to reduce cumulative impacts of air emissions in densely populated urban environments. **Therefore, this office recommends approval of the motion for the Board to support the proposed SCAQMD rule amendment because it would further protect public health by addressing arsenic, benzene, and 1,3-butadiene emissions which are the primary contributors to the elevated health risks at large lead-acid battery recycling facilities.**

We will continue to keep you advised.

WTF: RA
MR:AO:ma

c: Executive Office, Board of Supervisors
County Counsel
Department of Public Health